

Interim Decision #2074

MATTER OF MAPILI  
In Visa Petition Proceedings

A-19062165

*Decided by Regional Commissioner January 29, 1971*

Notwithstanding petitioner may be academically qualified as an agriculturist/agronomist, his petition for professional classification under section 203(a) (3) of the Immigration and Nationality Act, as amended, as an agriculturist/agronomist is denied for lack of the required labor certification for that profession under section 212(a) (14) of the Act where he is not covered by the blanket labor certification provided by Schedule A of 29 CFR Part 60 and the Department of Labor declined to issue an individual labor certification for the profession of agriculturist/agronomist but subsequently issued a labor certification for "Nursery Manager," which is a nonprofessional occupation.

ON BEHALF OF APPELLANT: Popkin and Shamir, Inc., Attorneys at Law  
Suite 1800 California Federal Building  
5670 Wilshire Boulevard  
Los Angeles, California 90036

This case is before the Regional Commissioner on appeal from the decision of the District Director Los Angeles who on November 23, 1970 found that the occupation for which the Department of Labor issued a certification is not a profession.

Oral argument was requested and granted. Counsel appeared with appellant as scheduled.

The appellant is a 30-year-old single male, a native and citizen of the Philippines. He was admitted to the United States as a visitor on September 28, 1968 and subsequently was authorized to remain in this country until February 19, 1970. He has remained in the United States; is at present under deportation proceedings and resides in Glendale, California. He filed the present petition on February 24, 1969 under section 203(a) (3) of the Immigration and Nationality Act, as amended, as a member of the professions as an "Agriculturist/Agronomist" to seek work as such in California.

In support of the petition, he has presented evidence of graduation from a University in the Philippines in March 1962 with a